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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Christoph KIRCH, et al.

Appln. No.: 09/831,272

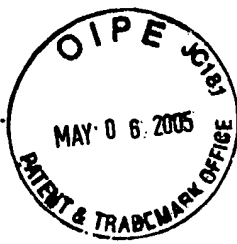
Filed: August 13, 2001

For:

CHIMERIC PROMOTERS CAPABLE OF MEDIATING GENE  
EXPRESSION IN PLANTS UPON PATHOGEN INFECTION AND  
USES THEREOF

Attorney Docket No.: 4038.001

Customer No.: 000041288



Confirmation No.: 3234

Group Art Unit: 1636

Examiner: MARVICH, Maria

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop: AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice of Non-Complaint Amendment dated April 19, 2005, Applicants resubmit herewith Amendment A with the proper status identifier of the claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephan A. Pendorf", written over a horizontal line.

Stephan A. Pendorf  
Registration No. 32,665

PENDORF & CUTLIFF  
5111 Memorial Highway  
Tampa, Florida 33634-7356  
(813) 886-6085

Date: May 4, 2005

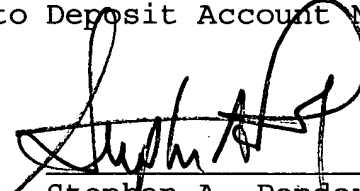
U.S. Application No.: 09/831,272  
RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Attorney Docket: 4038.001

**CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE**

I hereby certify that the foregoing RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT for U.S. Application No. 09/831,272 filed August 13, 2001, were deposited in first class U.S. mail, postage prepaid, **Mail Stop:** Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **May 4, 2005**.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.

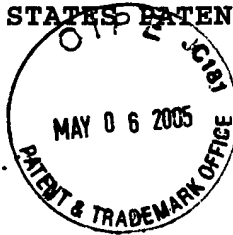
  
Stephan A. Pendorf

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AMENDMENT A

**Mail Stop Amendment**

Commissioner for Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Non-Final Office Action mailed on July 28, 2004, setting a three month period for response, which is extended to January 28, 2005, by the petition for a three month extension of time, and fee, submitted herewith, Applicant respectfully submits the following amendments and remarks, and requests reconsideration.

**Amendments to the Drawings** begin on page 2 of this paper.

**Amendments to the specification** begin on page 3 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 5 of this paper.

**Remarks/Arguments** begin on page 14 of this paper.